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VIA ECF

Honorable Kevin McNulty, U.S.D.J.
United States District Court
U.S. Post Office & Courthouse Building
Federal Square, Courtroom 8
Newark, NJ 07101

Re: *Aleynikov v. The Goldman Sachs Group, Inc.*
Case No. 12 Civ. 5994 (KM-MAH)

Dear Judge McNulty:

We write to respectfully request that your Honor issue a ruling on the dispositive motions pending in this matter, including the parties' cross motions for summary judgment and Plaintiff's motion to dismiss Defendant's Counterclaim. If the ruling is favorable to Mr. Aleynikov, he will recoup his fees and expenses in the federal criminal case and this case and, more important, win advancement of his fees and expenses in the state criminal case. If the ruling is unfavorable to him, he will immediately seek to have that ruling overturned in the Court of Appeals. But without a ruling one way or the other, he is being effectively denied relief in either forum.

As your Honor is keenly aware, Mr. Aleynikov's circumstances are urgent. He ran out of funds to pay our legal fees and expenses years ago, and is unable to engage the experts he desperately needs to defend the state charges. While we are equally aware of the many burdens on your Honor's schedule, we respectfully submit that the only fair way to address this urgency is to rule on the pending motions, one way or the other. We most respectfully urge you to do so.

Thank you for your consideration of this request.

Respectfully yours,



Kevin H. Marino

cc: A. Ross Pearlson, Esq. (via email)
Christopher E. Duffy, Esq. (via email)